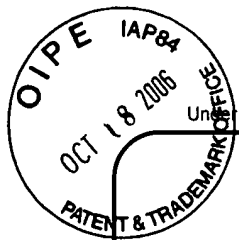


10-20-06

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PTO/SB/21 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031  
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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/787,508
Filing Date	February 25, 2004
First Named Inventor	Gerald E. Bennington
Art Unit	2623
Examiner Name	Scott E. Beliveau
Attorney Docket Number	UV-133 Cont. 6 Div.

**ENCLOSURES (Check all that apply)**

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input checked="" type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Other Enclosure(s) (please identify below): |
|---|--|--|

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Fish & Neave IP Group of Ropes & Gray LLP		
Signature			
Printed name	Richard M. Feuster, Jr.		
Date	October 18, 2006	Reg. No.	46,698

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as Express Mail, Express Mail Label No. EV674901635US, in an envelope addressed to: Mail Stop Express Abandonment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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UV-133 Cont. 6 Div.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Gerald E. Bennington et al.  
Application No. : 10/787,508 Confirmation No.: 7296  
Filed : February 25, 2004  
For : ELECTRONIC TELEVISION PROGRAM GUIDE  
SCHEDULE SYSTEM AND METHOD  
Group Art Unit : 2623  
Examiner : Scott E. Beliveau

New York, New York 10020  
October 18, 2006

Mail Stop Express Abandonment  
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P.O. Box 1450  
Alexandria, Virginia 22313-1450

NOTICE OF EXPRESS ABANDONMENT

Sir:

This Notice is responsive to the April 18, 2006 Office Action in which the Examiner, *inter alia*, refused to give applicants the benefit of their priority claim and issued various rejections.

In particular, the Examiner refused applicants' priority claim and rejected the pending claims under 35 U.S.C. § 112 first paragraph. The Examiner expressed the view that the specification is "entirely silent with respect to the usage/existence of audio and is further silent with respect to the particular display of a plurality of listings

simultaneously with the displayed video segment" (Office Action, p. 2).

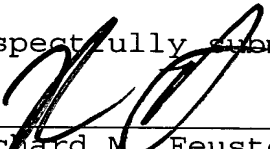
Applicants respectfully disagree with the Examiner's rejection and denial of priority claim. Applicants submit that the originally filed specification and priority Application No. 08/119,367 have the necessary support for these claimed features. For example, one skilled in the art, reading in FIG. 22, and related text at page 42, line 4 to page 43 line 3 would find support for these limitations (and find the claims enabled).

In addition, applicants also believe that the current claims are patentable over the prior art, and that the Examiner's § 102 rejection is also erroneous.

Pursuant to 37 C.F.R. § 1.138, applicants hereby expressly abandon the above-identified patent application.

The foregoing notwithstanding, applicants have decided to abandon this application for business reasons. For the avoidance of doubt, applicants do not acquiesce to any of the rejections made in the Office action.

Respectfully submitted,



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